



Fisheries Legislation (Repeal and Amendment) Regulations 2011 (No. 1)¹

Select Legislative Instrument 2011 No. 135

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Fisheries Management Act 1991*.

Dated 28 July 2011

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

MIKE KELLY
Parliamentary Secretary for Agriculture, Fisheries and Forestry

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1 Name of Regulations

These Regulations are the *Fisheries Legislation (Repeal and Amendment) Regulations 2011 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 *Fisheries Management (Northern Prawn Fishery) Regulations 1995 — repeal*

The following Statutory Rules are repealed:

- 1995 No. 12
- 2004 No. 235.

4 *Fisheries Management (Macquarie Island Toothfish Fishery) Regulations 2006 — repeal*

The following Select Legislative Instrument is repealed:

- 2006 No. 255.

5 *Fisheries Management (Southern Squid Jig Fishery) Regulations 2006 — repeal*

The following Select Legislative Instrument is repealed:

- 2006 No. 91.

6 *Fisheries Management (Western Tuna and Billfish Fishery) Regulations 2006 — repeal*

The following Select Legislative Instruments are repealed:

- 2006 No. 322
- 2010 No. 146.

7 Fisheries Management (Eastern Tuna and Billfish Fishery) Regulations 2009 — repeal

The following Select Legislative Instruments are repealed:

- 2009 No. 253
- 2011 No. 7.

8 Fisheries Management (Small Pelagic Fishery) Regulations 2010 — repeal

The following Select Legislative Instrument is repealed:

- 2010 No. 145.

9 Amendment of Fisheries Management Regulations 1992

Schedule 1 amends the *Fisheries Management Regulations 1992*.

10 Amendment of Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995

Schedule 2 amends the *Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995*.

11 Amendment of Fisheries Management (Bass Strait Central Zone Scallop Fishery) Regulations 2002

Schedule 3 amends the *Fisheries Management (Bass Strait Central Zone Scallop Fishery) Regulations 2002*.

12 Amendment of Fisheries Management (Heard Island and McDonald Islands Fishery) Regulations 2002

Schedule 4 amends the *Fisheries Management (Heard Island and McDonald Islands Fishery) Regulations 2002*.

13 Amendment of Fisheries Management (Southern and Eastern Scalefish and Shark Fishery) Regulations 2004

Schedule 5 amends the *Fisheries Management (Southern and Eastern Scalefish and Shark Fishery) Regulations 2004*.

Schedule 1 **Amendments of *Fisheries Management Regulations 1992*** (regulation 9)

[1] **Subregulation 3 (1), after definition of *coast radio station***

insert

concession holder means the holder of a licence, permit or right that is a fishing concession.

[2] **Subregulation 3 (1), definition of *Register of Tenders***

substitute

nominated boat, in relation to a fishing concession, means a boat that has been nominated for the fishing concession in accordance with regulation 9B.

operating, in relation to a vessel monitoring system, means sending a signal that:

- (a) is in a format that has been approved by AFMA; and
- (b) identifies accurately the location of the vessel monitoring system.

[3] **After Part 3**

insert

Part 3A Standard conditions for fishing concessions

Division 1 Introductory

Subdivision 1 General

9A Definitions for Part 3A

In this Part:

observer means a person approved by AFMA to carry out the functions of an observer.

trip means:

- (a) for the Heard Island and McDonald Islands Fishery — a voyage in a boat to or from any port inside or outside Australia for the purpose of exercising a right under a fishing concession; or
- (b) for the Macquarie Island Toothfish Fishery — a voyage in a boat to or from any port inside or outside Australia for the purpose of exercising a right under a fishing concession; or
- (c) for the high seas — a voyage in a boat to or from any port inside or outside Australia for the purpose of exercising a right under a fishing concession; or
- (d) in any other case — a voyage in a boat to Australia or from Australia for the purpose of exercising a right under a fishing concession.

Subdivision 2 Eligible boats

9B Nomination of eligible boat

- (1) Before using a boat under a fishing concession for the first time:
 - (a) the concession holder must nominate the boat for the fishing concession; and
 - (b) the boat must comply with this regulation.
- (2) The boat must be able to carry safely:
 - (a) an observer; and
 - (b) an observer's safety equipment; and
 - (c) an observer's monitoring equipment;
for the duration of a trip.
- (3) The boat must have a vessel monitoring system that is capable of being operational at all times.
- (4) The boat must meet:
 - (a) the requirements of the Act that apply to an Australian-flagged boat; and
 - (b) any safety standards required by AFMA.

Note **Australian-flagged boat** is defined in subsection 4 (1) of the Act.

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- (5) The owner of the boat must have consented to its nomination by the concession holder.
 - (6) The boat must not be a nominated boat for another person under a fishing concession granted under the Act.
 - (7) The boat must be capable of meeting all other requirements imposed by or under the Act and these Regulations.
 - (8) The nomination must be:
 - (a) made using the approved form; and
 - (b) given to AFMA.
 - (9) If a nomination of a boat is already in effect and the concession holder proposes to nominate another boat to replace the nominated boat:
 - (a) the other boat must meet the requirements in subregulations (2) to (7); and
 - (b) the fishing concession must not be under suspension.
 - (10) If a nomination of a boat is already in effect, a nomination by the concession holder of another boat in accordance with subregulation (9) replaces the nomination that is already in effect from:
 - (a) the day on which AFMA enters the name of the other boat on the register or record applicable to the fishing concession; or
 - (b) a later day specified in the new nomination.

Division 2 Vessel monitoring system

9C Conditions

For section 42B of the Act, this Division sets out conditions that apply to fishing concessions.

9D Concession holder to ensure that vessel monitoring system is operational

- (1) A concession holder must ensure that the vessel monitoring system on a nominated boat is operational at all times.

- (2) If the vessel monitoring system stops operating, the concession holder must ensure that AFMA is informed as soon as practicable after the concession holder becomes aware that the VMS has stopped operating.

Division 3 Observers

Subdivision 1 Conditions

9E Conditions

For section 42B of the Act, this Subdivision sets out conditions that apply to fishing concessions.

9F Concession holder to ensure provision for observer and equipment to be carried

- (1) If AFMA directs a concession holder to carry an observer on a nominated boat, the concession holder must ensure that:
- (a) an observer; and
 - (b) the observer's safety equipment; and
 - (c) the observer's monitoring equipment;
- are on board the boat when the boat commences the trip to which the direction applies.
- (2) The concession holder must ensure that the observer is provided with adequate food and accommodation while the observer is on board the boat during a trip.
- (3) The concession holder must ensure that the observer is carried safely on the boat.

9G Concession holder to ensure observer enabled to perform functions

- (1) If an observer is on board a nominated boat during a trip, the concession holder must ensure that the observer:
- (a) is given assistance by the concession holder, the master of the boat and crew members of the boat; and
 - (b) is given access to all parts of the boat;

to the extent reasonably necessary to permit the performance of the functions of the observer.

- (2) The concession holder must not interfere with, or obstruct, the observer in the course of collecting data or samples.
- (3) The concession holder must ensure that:
 - (a) the master of the boat; and
 - (b) crew members of the boat;do not interfere with, or obstruct, the observer in the course of collecting data or samples.

Division 4 Disposal of fish

9H Conditions

For section 42B of the Act, this Division sets out conditions that apply to fishing concessions.

9I Fish to be disposed of to fish receiver permit holder

- (1) This regulation applies if AFMA has declared a fishery, under subsection 91 (1) of the Act, to be a fishery to which Division 2 of Part 6 of the Act applies.
- (2) A concession holder for the fishery must ensure that fish taken and retained under the fishing concession are disposed of only to a holder of a fish receiver permit.

Division 5 Catch limits — fishing for tuna in northern waters

Subdivision 1 Introductory

9J Definitions for Division 5

In this Division:

northern waters means the area described in Part 1 of Schedule 5.

tuna means fish:

- (a) of the family Scombridae (commonly known as tuna and tuna-like fish), except fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger* (commonly known as mackerel); and
- (b) of the families Istiophoridae and Xiphiidae (commonly known as billfish); and
- (c) of the family Bramidae (commonly known as pomfrets or rays bream).

9K Interpretation

For this Division, a fish that is on a boat at the end of a trip is to be treated as having been taken during the trip.

Subdivision 2 Catch limits

9L Conditions

- (1) For section 42B of the Act, this Subdivision sets out conditions that apply to the following fishing concessions:
 - (a) a foreign fishing licence that authorises the use of a boat for taking tuna in northern waters;
 - (b) a fishing permit that authorises the use of a boat for taking tuna in northern waters;
 - (c) a statutory fishing right that includes the right to take tuna in northern waters.
- (2) The concession holder may take fish of a species mentioned in Part 2 of Schedule 5 from northern waters.
- (3) For a species mentioned in Division 1 of Part 2 of Schedule 5, the concession holder must not possess on the nominated boat more than 2 fish of the species.
- (4) For a species mentioned in Division 2 of Part 2 of Schedule 5, the concession holder must not possess on the nominated boat more than 10 fish of the species.

- (5) For a species mentioned in Division 3 of Part 2 of Schedule 5, the concession holder must not possess on the nominated boat more than 20 fish of the species.

Note There are no limits on taking a species mentioned in Division 4 of Part 2 of Schedule 5.

Division 6 Catch limits for fishing in Victorian waters

Subdivision 1 Introductory

9M Definitions for Division 6

In this Division:

crustacean means any species of the phylum Crustacea.

finfish means fish of the class Osteichthyes.

giant crab includes a king crab.

mollusc means any invertebrate of the phylum Mollusca.

possess, in relation to fish on a nominated boat, includes control.

trawling includes board trawling, midwater or pelagic trawling and Danish seining.

tuna means fish:

- (a) of the family Scombridae (commonly known as tuna and tuna-like fish), except fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger* (commonly known as mackerel); and
- (b) of the families Istiophoridae and Xiphiidae (commonly known as billfish); and
- (c) of the family Bramidae (commonly known as pomfrets or rays bream).

Victorian waters means the area described in Division 1 of Part 1 of Schedule 6.

9N Interpretation

- (1) For this Division, the weight of a fish is taken to be the weight of the whole fish before it has undergone any preparation.
- (2) For this Division, if a concession holder lands fish at a place on or within the coastline of Victoria, the concession holder is to be treated as having taken the fish in Victorian waters.

Subdivision 2 Catch limits**9O Conditions**

For section 42B of the Act, this Subdivision sets out conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing in Victorian waters;
- (b) a fishing permit that authorises the use of a boat for taking fish in Victorian waters;
- (c) a statutory fishing right that includes the right to take fish in Victorian waters.

9P Crustaceans

- (1) The concession holder must not take any:
 - (a) school prawns (*Metapenaeus macleayi*); or
 - (b) eastern king prawns (*Penaeus plebejus*);from Victorian waters.
- (2) The concession holder may take any other species of crustaceans from Victorian waters.
- (3) For species of crustaceans that are not mentioned in Part 2 of Schedule 6, the concession holder must not possess on the nominated boat:
 - (a) more than 50 kilograms of the crustaceans; and
 - (b) more than 5 giant crabs (*Pseudocarcinus gigas*); and
 - (c) more than 10 kilograms of inshore (or bay) bugs (family Scyllaridae).

Note The species mentioned in Part 2 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9Q Molluscs

- (1) The concession holder may take any species of molluscs from Victorian waters.
- (2) For species of molluscs that are not mentioned in Part 3 of Schedule 6, the concession holder must not possess on the nominated boat more than 50 kilograms of molluscs.

Note The species mentioned in Part 3 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9R Finfish

- (1) A concession holder that is using a fishing method other than trawling:
 - (a) must not take finfish of a species mentioned in Subdivision 1 of Division 1 of Part 4 of Schedule 6 from Victorian waters; and
 - (b) may take any other species of finfish from Victorian waters.
- (2) For species of finfish that are mentioned in Subdivision 2 of Division 1 of Part 4 of Schedule 6, the concession holder must not possess on the nominated boat:
 - (a) more than 200 kilograms of finfish; and
 - (b) more than 10 yellowtail kingfish (*Seriola lalandi*); and
 - (c) more than 20 kilograms of striped trumpeter (*Latris lineata*); and
 - (d) more than 50 kilograms of snapper (*Pagrus auratus*).

Division 7 Catch limits for fishing in South Australian waters

Subdivision 1 Introductory

9S Definitions for Division 7

In this Division:

crustacean means any species of the phylum Crustacea.

finfish means fish of the class Osteichthyes.

giant crab includes a king crab.

mollusc means any invertebrate of the phylum Mollusca.

possess, in relation to fish on the nominated boat, includes control.

South Australian waters means the area described in Division 2 of Part 1 of Schedule 6.

trawling includes board trawling, midwater or pelagic trawling and Danish seining.

9T Interpretation

For this Division, if a concession holder lands fish at a place on or within the coastline of South Australia, the concession holder is to be treated as having taken the fish in South Australian waters.

Subdivision 2 Catch limits

9U Conditions

For section 42B of the Act, this Subdivision sets out conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing in South Australian waters;
- (b) a fishing permit that authorises the use of a boat for taking fish in South Australian waters;
- (c) a statutory fishing right that includes the right to take fish in South Australian waters.

9V Crustaceans

- (1) The concession holder:
 - (a) must not take any species of prawns, other than a species mentioned in Division 1 of Part 2 of Schedule 6, from South Australian waters; and
 - (b) must not take more than 5 king crabs (*Pseudocarcinus gigas*) from South Australian waters.
- (2) The concession holder may take any other species of crustaceans from South Australian waters.
- (3) For bay bugs (family Scyllaridae), the concession holder must not possess on the nominated boat more than 200 kilograms of bay bugs.
- (4) For other species of crustaceans that are not mentioned in Part 2 of Schedule 6, the concession holder must not possess on the nominated boat more than 50 kilograms of crustaceans.

Note The species mentioned in Part 2 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9W Molluscs

- (1) A concession holder may take any species of molluscs from South Australian waters.
- (2) For species of molluscs that are not mentioned in Part 3 of Schedule 6, the concession holder must not possess on the nominated boat:
 - (a) more than 500 kilograms of molluscs; and
 - (b) more than 50 kilograms of specimen shells or shellfish (class Gastropoda).

Note The species mentioned in Part 3 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9X Finfish

- (1) The concession holder must not take any species of finfish mentioned in Subdivision 1 of Division 2 of Part 4 of Schedule 6 from South Australian waters.

- (2) The holder must not take more than a total of 200 kilograms of finfish of 1 or more species mentioned in Subdivision 2, 3 or 4 of Division 2 of Part 4 of Schedule 6 from South Australian waters by trawling.
- (3) The holder must not take more than a total of 200 kilograms of finfish of 1 or more species mentioned in Subdivision 2, 3, 4 or 5 of Division 2 of Part 4 of Schedule 6 from South Australian waters by a method other than trawling.
- (4) The holder must not take from South Australian waters more than:
 - (a) 20 kilograms of finfish of the species mentioned in Subdivision 2 of Division 2 of Part 4 of Schedule 6; and
 - (b) 50 kilograms of finfish of the species mentioned in Subdivision 3 of Division 2 of Part 4 of Schedule 6; and
 - (c) 10 yellowtail kingfish (*Seriola lalandi*); and
 - (d) 100 kilograms of mulloway (*Argyrosomus hololepidotus*).

Division 8 Catch limits for fishing in Tasmanian waters

Subdivision 1 Introductory

9Y Definitions for Division 8

In this Division:

crustacean means any species of the phylum Crustacea.

finfish means fish of the class Osteichthyes.

giant crab includes a king crab.

mollusc means any invertebrate of the phylum Mollusca.

possess, in relation to fish on the nominated boat, includes control.

9Z Interpretation

For this Division, if a concession holder lands fish at a place on or within the coastline of Tasmania, the concession holder is to be treated as having taken the fish in Tasmanian waters.

Subdivision 2 Catch limits**9ZA Conditions**

For section 42B of the Act, this Subdivision sets out conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing in Tasmanian waters;
- (b) a fishing permit that authorises the use of a boat for taking fish in Tasmanian waters;
- (c) a statutory fishing right that includes the right to take fish in Tasmanian waters.

9ZB Crustaceans

- (1) The concession holder must not take any species of prawns, other than a species mentioned in Division 1 of Part 2 of Schedule 6, from Tasmanian waters.
- (2) The concession holder may take any other species of crustaceans from Tasmanian waters.
- (3) For species of crustaceans that are not mentioned in Part 2 of Schedule 6, the concession holder must not possess on the nominated boat:
 - (a) more than 50 kilograms of crustaceans; and
 - (b) more than 5 giant crabs (*Pseudocarcinus gigas*).

Note The species mentioned in Part 2 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9ZC Molluscs

- (1) The concession holder must not take limpets or keyhole limpets (superfamilies Fissurellacea, Patellacea and Siphonariacea) from Tasmanian waters.

- (2) A concession holder may take any other species of molluscs from Tasmanian waters.
- (3) For species of molluscs that are not mentioned in Part 3 of Schedule 6, the concession holder must not possess on the nominated boat:
 - (a) more than 500 kilograms of molluscs; and
 - (b) more than 50 kilograms of specimen shells or shellfish (class Gastropoda).

Note The species mentioned in Part 3 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9ZD Finfish

- (1) The concession holder must not take any species of finfish mentioned in Subdivision 1 of Division 3 of Part 4 of Schedule 6 from Tasmanian waters.
- (2) For the species of finfish mentioned in Subdivision 2 of Division 3 of Part 4 of Schedule 6, the concession holder must not possess on the nominated boat more than 20 kilograms of finfish of the species.
- (3) For the species of finfish mentioned in Subdivision 3 of Division 3 of Part 4 of Schedule 6, the concession holder must not possess on the nominated boat more than 50 kilograms of finfish of the species.
- (4) For the species of finfish mentioned in Subdivision 4 of Division 3 of Part 4 of Schedule 6, the concession holder must not possess on the nominated boat more than 250 kilograms of finfish of the species.

9ZE Other species

The concession holder must not take any fish of a species mentioned in Part 5 of Schedule 6 from the coastal waters of Tasmania.

Note See section 5 of the Act about the meaning of *coastal waters*.

Division 9 Catch limits for prawn fishery waters

Subdivision 1 Introductory

9ZF Definitions for Division 9

In this Division:

crustacean means any species of the phylum Crustacea other than a prawn.

finfish means fish of the class Osteichthyes.

giant crab includes a king crab.

mollusc means any invertebrate of the phylum Mollusca other than a prawn.

possess, in relation to fish on the nominated boat, includes control.

prawn means:

(a) a decapod crustacea of:

(i) the families Aristeidae, Nephropidae (commonly known as scampi), Penaeidae, Scyllaridae (commonly known as bugs) and Solenoceridae (commonly known as prawns); or

(ii) the infraorder Caridae (commonly known as shrimp); and

(b) a mollusca of the family Pectinidae (commonly known as scallops).

prawn fishery waters means the area described in Part 1 of Schedule 7.

tuna and tuna-like fish means fish of:

(a) the family Scombridae excluding *Thunnus tonggo* (commonly known as longtail tuna), and fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger* (commonly known as mackerel); or

(b) the families Istiophoridae and Xiphiidae (commonly known as billfish); or

(c) the family Bramidae (commonly known as pomfrets or rays bream).

9ZG Interpretation

- (1) For this Division, the weight of a fish is taken to be the weight of the whole fish before it has undergone any preparation.
- (2) For this Division, if a fish has been processed, the whole weight equivalent of the fish is to be worked out using 1 of the following methods:
 - (a) multiply the weight of the gilled and gutted fish by 1.1 and express the result in kilograms;
 - (b) multiply the weight of the fillets from the fish by 2.6 and express the result in kilograms;
 - (c) multiply the weight of the headed and gutted fish by 1.4 and express the result in kilograms.

Subdivision 2 Catch limits**9ZH Conditions**

For section 42B of the Act, this Subdivision sets out conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing for prawns in prawn fishery waters;
- (b) a fishing permit that authorises the use of a boat for taking prawns in prawn fishery waters;
- (c) a statutory fishing right that includes the right to take prawns in prawn fishery waters.

9ZI Crustaceans

- (1) The concession holder may take any other species of crustaceans from prawn fishery waters.
- (2) For species of crustaceans that are mentioned in Part 2 of Schedule 7, the concession holder must not possess on the nominated boat:
 - (a) more than 6 crustaceans of a species mentioned in Division 1 of that Part; and
 - (b) more than 10 crustaceans of a species mentioned in Division 2 of that Part.

9ZJ Molluscs

The concession holder must not take a species of molluscs mentioned in Division 1 of Part 3 of Schedule 7 from prawn fishery waters.

9ZK Finfish

- (1) The concession holder must not take tuna and tuna-like fish from prawn fishery waters.
- (2) The concession holder must not take any species of finfish mentioned in Division 1 of Part 4 of Schedule 7 from prawn fishery waters.
- (3) For the species of finfish mentioned in Division 2 of Part 4 of Schedule 7, the concession holder must not possess on the nominated boat a total of more than 10 finfish.
- (4) For a species of finfish mentioned in Division 3 of Part 4 of Schedule 7:
 - (a) if a trip ends in March, April, May or June, the concession holder must not possess on the nominated boat more than 500 kilograms of finfish of the species; and
 - (b) if a trip ends in any other month, the concession holder must not possess on the nominated boat more than 55 kilograms of finfish of the species.

9ZL Other species

The holder must not take any fish of a species mentioned in Part 5 of Schedule 7 from prawn fishery waters.

Division 10 Processing fish during a trip

Subdivision 1 Introductory

9ZM Definitions for Division 10

In this Division:

tuna means fish:

- (a) of the family Scombridae (commonly known as tuna and tuna-like fish), except fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger* (commonly known as mackerel); and
- (b) of the families Istiophoridae and Xiphiidae (commonly known as billfish); and
- (c) of the family Bramidae (commonly known as pomfrets or rays bream).

Subdivision 2 Processing

9ZN Conditions

For section 42B of the Act, this Subdivision sets out conditions that apply to fishing concessions.

9ZO Prohibited ways of processing fish

If a fish of a species mentioned in an item of the table is taken and retained during a trip, the concession holder must ensure that the way in which the fish is processed complies with the requirements mentioned in the item before the fish is disposed of in accordance with regulation 9I.

Item	Species	Processing requirements
1	Tuna other than northern bluefin tuna or billfish	The caudal keel must not be removed from the carcass before the fish is landed and received by a fish receiver permit holder

Item	Species	Processing requirements
2	Billfish other than broadbill swordfish (<i>Xiphias gladius</i>)	None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: (a) the caudal keel; (b) a dorsal, pectoral or anal fin
3	Sharks of the class Chondrichthyes other than the following: (a) angel sharks (family Squatinidae); (b) rays; (c) skates; (d) spurdogs (genus <i>Squalus</i>)	None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: (a) the caudal lobe; (b) a dorsal, pectoral or caudal fin
4	Angel sharks (family Squatinidae)	No dorsal or caudal fin may be removed from the carcass before the fish is landed and received by a fish receiver permit holder
5	Dogfish (family Squalidae)	No dorsal or caudal fin may be removed from the carcass before the fish is landed and received by a fish receiver permit holder
6	Rays	None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: (a) the skin; (b) a fillet
7	Skates	None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: (a) the skin; (b) a fillet

Item	Species	Processing requirements
8	Banjo shark (<i>Trygonorrhina</i> sp.)	None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: <ul style="list-style-type: none"> (a) the skin; (b) a fillet; (c) a pectoral fin; (d) the tail
9	Elephant fish (families <i>Callorhynchidae</i> , <i>Chimaeridae</i> and <i>Rhinochimaeridae</i>)	Neither of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: <ul style="list-style-type: none"> (a) the second dorsal fin; (b) the tail

9ZP Removal of shark liver

- (1) If a shark is:
 - (a) taken during a trip; and
 - (b) processed during the trip by the removal of its liver;

the concession holder must ensure that the shark's carcass is retained for as long as the liver is retained on the trip.
- (2) If the carcass is retained until the shark is disposed of in accordance with regulation 9I, the concession holder must ensure that the liver is disposed of:
 - (a) at the same time; and
 - (b) to the same holder of a fish receiver permit.

Division 11 Impacts on the marine environment

Subdivision 1 Introductory

9ZQ Definitions for Division 11

In this Division:

interaction means physical contact that:

- (a) occurs between an organism and 1 or more of the following:
 - (i) an individual other than an observer;
 - (ii) a nominated boat;
 - (iii) any object on board, or attached to, the nominated boat, other than equipment that is being used by an observer;
 - (iv) the nominated boat's equipment; and
- (b) is of a kind that could cause the organism to be distressed.

protected community means a listed threatened ecological community within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*.

protected species means:

- (a) a listed threatened species within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* (other than a conservation dependent species within the meaning of that Act); or
- (b) a listed marine species within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*; or
- (c) a listed migratory species within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*; or
- (d) a species of cetacean.

Subdivision 2 Interaction**9ZR Conditions**

For section 42B of the Act, this Subdivision sets out conditions that apply to fishing concessions.

9ZS No interaction with protected organism

The concession holder must ensure that, as far as practicable, there is no interaction during a trip with an organism that is:

- (a) part of a protected community; or
- (b) a protected species.

9ZT Recording and reporting interaction with protected organism

- (1) This regulation applies if there is an interaction during a trip with an organism that is:
 - (a) part of a protected community; or
 - (b) a protected species.
- (2) The concession holder must ensure that the interaction is recorded in a logbook kept on the nominated boat for the purpose of reporting interactions.
- (3) If an observer is on board the nominated boat, the concession holder must also ensure that the interaction is reported to the observer as soon as practicable.
- (4) If:
 - (a) the interaction results in the death of the organism; and
 - (b) it is necessary to discharge the organism's carcass;the concession holder must ensure that the carcass is discharged from the boat in a way that does not attract birds or mammals to the boat.

9ZU Reporting interaction with protected organism if protected organism injured

- (1) This regulation applies if, during a trip:
 - (a) there is an interaction with an organism that is:
 - (i) part of a protected community; or
 - (ii) a protected species; and
 - (b) the interaction injures the organism.
- (2) The concession holder must ensure that the organism is given as much assistance as is practicable.
- (3) If an observer is on board the nominated boat, the concession holder must ensure that the injury is reported to the observer as soon as practicable.

Note The concession holder may have an additional obligation to record the injury in a logbook kept in accordance with a determination made under section 42 of the Act.

9ZV Reporting interaction with protected organism if protected organism killed

- (1) This regulation applies if, during a trip:
 - (a) there is an interaction with an organism that is:
 - (i) part of a protected community; or
 - (ii) a protected species; and
 - (b) the interaction kills the organism; and
 - (c) an observer is on board the nominated boat.
- (2) The concession holder must ensure that the death is reported to the observer as soon as practicable.

Note The concession holder may have an additional obligation to record the death in a logbook kept in accordance with a determination made under section 42 of the Act.

Division 12 Use of nominated boat**9ZW Conditions**

For section 42B of the Act, this Division sets out conditions that apply to fishing concessions.

9ZX Nominated boat used for trip

The concession holder must ensure that only the nominated boat is used for a trip.

[4] Subregulations 10AA (1) and 10AD (2)

omit each mention of

the holder of a fish receiver permit

insert

a fish receiver permit holder

[5] Regulation 10D

omit

the holder of a fish receiver permit is taken to be the agent of the holder of the permit.

insert

a fish receiver permit holder is taken to be the agent of the holder.

[6] Regulation 18

omit

[7] After Part 6

insert

Part 6A Registers**21A Information to be included in Register of Statutory Fishing Rights**

- (1) For paragraph 45 (1) (f) of the Act, the particulars in the table are prescribed.

Item	Particular
1	For the person to whom the fishing right is granted: <ul style="list-style-type: none"> (a) postal address; and (b) telephone number; and

Item	Particular
	(c) fax number; and
	(d) email address; and
	(e) ABN or ACN
2	For any other holder of the fishing right:
	(a) name; and
	(b) postal address; and
	(c) telephone number; and
	(d) fax number; and
	(e) email address; and
	(f) ABN or ACN
3	Number of the boat statutory fishing right
4	Number of the quota statutory fishing right
5	Any alphanumeric code assigned for the purposes of the registration of the statutory fishing right
6	Total weight of fish that may be taken for the purposes of the statutory fishing right, in kilograms
7	Total headrope length that can be used for the purposes of the statutory fishing right, in metres
8	Whether a gear statutory fishing right has been nominated in relation to a B class statutory fishing right
9	Whether a quota statutory fishing right has been nominated in relation to a boat statutory fishing right
10	For a boat that has been nominated for the statutory fishing right:
	(a) name; and
	(b) any previous names; and
	(c) any distinguishing symbol that identifies the boat; and
	(d) length; and
	(e) colour; and
	(f) beam, in metres; and
	(g) gross registered tonnage; and

Item Particular

- (h) moulded depth, in metres; and
- (i) when it was built; and
- (j) where it was built; and
- (k) a code representing the type of boat; and
- (l) a code representing the gear type used on the boat; and
- (m) port of registry; and
- (n) registry number; and
- (o) whether the boat's registration has previously been cancelled or suspended, and the country which cancelled or suspended the registration; and
- (p) any previous flag under which it has been operated; and
- (q) normal crew compliment; and
- (r) a code representing the boat's current flag state; and
- (s) a code representing any previous flag state; and
- (t) number of freezers on the boat; and
- (u) each type of freezer used on the boat; and
- (v) capacity of each freezer used on the boat; and
- (w) fish hold capacity; and
- (x) engine type; and
- (y) power of the main engine or engines, in kilowatts; and
- (z) serial number of each engine; and
- (za) aspiration of each engine; and
- (zb) number of turbochargers; and
- (zc) type of aftercooler system; and
- (zd) radio call sign; and
- (ze) International Radio Call Sign; and
- (zf) Vessel Communication Type; and
- (zg) whether the boat is included in the Large Scale Fishing Vessel list; and

Item Particular

- (zh) colour photographs of the boat, in high resolution and with sufficient brightness and contrast to show the boat clearly, including:
- (i) a photograph measuring at least 12 cm × 7 cm that shows the full overall length of the starboard side of the boat and all of the boat's structural features along that side; and
 - (ii) a photograph measuring at least 12 cm × 7 cm that shows the full overall length of the port side of the boat and all of the boat's structural features along that side; and
 - (iii) a photograph measuring at least 12 cm × 7 cm that is taken from astern and shows the boat's stern
- 11 For the owner of a boat that has been nominated for the statutory fishing right:
- (a) name; and
 - (b) postal address; and
 - (c) nationality
- 12 For the master of a boat that has been nominated for the statutory fishing right:
- (a) name; and
 - (b) nationality
-

- (2) A particular mentioned in the table in subregulation (1) is taken not to be prescribed if:
- (a) the particular does not exist in relation to a statutory fishing right; or
 - (b) it is not necessary for AFMA to collect the particular, either for its own purposes, or in accordance with an international fisheries agreement.

Note Under subsection 45 (1) of the Act, a fishing right is registered by entering particulars in the Register of Statutory Fishing Rights, including the particulars prescribed in subregulation (1). Particulars that do not exist in relation to a statutory fishing right would be prescribed but could not be entered.

21B Information to be included in High Seas Register

- (1) For paragraph 57B (2) (i) of the Act, the particulars in the table in subregulation 21A (1) are prescribed.

- (2) A particular mentioned in the table in subregulation 21A (1) is taken not to be prescribed if:
- (a) the particular does not exist in relation to a statutory fishing right; or
 - (b) it is not necessary for AFMA to collect the particular, either for its own purposes, or in accordance with an international fisheries agreement.

Note Under subsection 45 (1) of the Act, a fishing right is registered by entering particulars in the Register of Statutory Fishing Rights, including the particulars prescribed in subregulation (1). Particulars that do not exist in relation to a statutory fishing right would be prescribed but could not be entered.

21C Information to be included in Fishing Permits Register

- (1) For paragraph 57H (1) (e) of the Act, the particulars in the table in subregulation 21A (1) are prescribed.
- (2) A particular mentioned in the table in subregulation 21A (1) is taken not to be prescribed if:
- (a) the particular does not exist in relation to a statutory fishing right; or
 - (b) it is not necessary for AFMA to collect the particular, either for its own purposes, or in accordance with an international fisheries agreement.

Note Under subsection 45 (1) of the Act, a fishing right is registered by entering particulars in the Register of Statutory Fishing Rights, including the particulars prescribed in subregulation (1). Particulars that do not exist in relation to a statutory fishing right would be prescribed but could not be entered.

[8] Part 11

omit

[9] Schedule 5, heading*substitute***Schedule 5 Catch limits — fishing for tuna in northern waters**(regulation 9J, definition of *northern waters* and regulation 9L)**[10] Schedule 5, after Part 1***insert***Part 1A Northern Territory and Queensland waters**

The boundary between Northern Territory and Queensland waters is the notional line commencing at a point that is the intersection of the coastline at mean low water with the boundary between the Northern Territory and Queensland, and running progressively:

- north-easterly along the geodesic to the point of latitude 15° 55' south, longitude 138° 30' east;
- north along that meridian to its intersection with the parallel of latitude 14° 30' south;
- east along that parallel to its intersection with the meridian of longitude 139° 15' east;
- north along that meridian to its intersection with the parallel of latitude 11° south.

[11] Schedule 5, Part 2, Division 1, table*omit*

Black kingfish	<i>Rachycentron canadus</i>
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insert

Black kingfish that are in waters east of the meridian of longitude 129° east	<i>Rachycentron canadus</i>
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[12] Schedule 5, Part 2, Division 2, table*omit*Dolphinfish *Coryphaena hippurus**insert*Dolphinfish that are in northern waters west of the boundary between Northern Territory and Queensland waters *Coryphaena hippurus***[13] Schedule 5, Part 2, after Division 3***insert***Division 4**

Common name	Scientific name
Black kingfish that are in waters west of the meridian of longitude 129° east	<i>Rachycentron canadus</i>
Dolphinfish that are in northern waters east of the boundary between Northern Territory and Queensland waters	<i>Coryphaena hippurus</i>

[14] Schedule 6, heading*substitute***Schedule 6 Catch limits — Victorian, South Australian and Tasmanian waters**

(regulation 9M, definition of **Victorian waters**, regulations 9P, 9Q and 9R, regulation 9S, definition of **South Australian waters** and regulations 9V, 9W, 9X, 9ZB, 9ZC, 9ZD and 9ZJE)

[15] After Schedule 6*insert***Schedule 7 Catch limits — prawn fishery waters**

(regulations 9ZI, 9ZJ, 9ZK and 9ZL)

Part 1 Prawn fishery waters

That part of the AFZ that is adjacent to the coastal waters from low water of Western Australia, the Northern Territory and Queensland and within the area bounded by a notional line beginning at the point of intersection of the north-western coastline of Australia and the meridian of longitude 126° 58' east and running progressively:

- north along that meridian to the outer limit of the AFZ;
- generally easterly along that outer limit to its intersection with the meridian of longitude 141° 20' east;
- south along that meridian to its intersection with the parallel of latitude 10° 28' south;
- east along that parallel to its intersection with the meridian of longitude 142° 09' east;
- south along that meridian to its intersection with the northern coastline of Australia;
- generally westerly along that coastline to the point where the line began.

Part 2 Crustaceans**Division 1**

Common name	Scientific name
Tropical rock lobster	<i>Panulirus ornatus</i>

Division 2

Common name	Scientific name
Mud crab	<i>Scylla sp.</i>

Part 3 Molluscs**Division 1**

Common name	Scientific name
Pearl shell	<i>Pinctada sp.</i>
Trepang	Class <i>Holothuroidea</i>
Trochus	Class <i>Trochidae</i>

Part 4 Finfish**Division 1**

Common name	Scientific name
Barramundi	<i>Lates calcarifer</i>
Blue salmon	<i>Eleutheronema tetradactylum</i>
Jewfish	<i>Nibea squatmosa, Protonibea diacanthus</i>
Queenfish	<i>Scomberoides lysan, S. commersonianus</i>
Spotted grunter-bream	<i>Pomadasys kaakan</i> <i>Polydactylus sheridani</i>

Division 2

Common name	Scientific name
Broad barred Spanish (Grey) mackerel	<i>Scomberomorus semifasciatus</i>
Gold band snapper	<i>Pristipomoides multidens</i>
Longtail tuna	<i>Thunnus tonggol</i>
Narrow barred Spanish mackerel	<i>Scomberomorus commerson</i>

Common name	Scientific name
Sweet lips	Family Lethrinidae
	Family Serranidae

Division 3

Common name	Scientific name
Saddle tailed snapper	<i>Lutjanus malabaricus</i>
Red snapper	<i>Lutjanus erythropterus</i>
Red emperor	<i>Lutjanus sebae</i>

Part 5 Other species

Common name	Scientific name
Coral	
Sharks, rays and skates	Subclass <i>Elasmobranchii</i>

**Schedule 2 Amendment of *Fisheries
Management (Southern
Bluefin Tuna Fishery)
Regulations 1995***
(regulation 10)

[1] Part 3
omit

Schedule 3 **Amendment of *Fisheries
Management (Bass Strait
Central Zone Scallop Fishery)
Regulations 2002***
(regulation 11)

[1] **Regulations 6 to 8**
omit

**Schedule 4 Amendments of *Fisheries
Management (Heard Island
and McDonald Islands
Fishery) Regulations 2002***
(regulation 12)

- [1] **Subregulation 3 (1), definition of *approved form***
omit
- [2] **Parts 2 and 3**
omit
- [3] **Division 5.1**
omit

Schedule 5 **Amendments of *Fisheries Management (Southern and Eastern Scalefish and Shark Fishery) Regulations 2004***

(regulation 13)

[1] **Subregulation 3 (1), definitions of *automatic location communicator, or ALC, integrated computer vessel monitoring system, or ICVMS and manufacturer's agent***

omit

[2] **Regulations 4 to 7**

omit

[3] **Regulations 9 and 10**

omit

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.